IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3421 OF 2006
WITH
WEALTH TAX APPEAL (L) NO.1963 OF 2006

The Commissioner of Wealth-Tax-14)
6th floor, Earnest House, Nariman)
Point, Mumbai-400 021)..Appellant

Versus

Shri D.P.Mansingka)
Mansingka Chambers, 258, Kalbadevi)
Road, Mumbai-400 002.)..Respondent

Mr.S.M.Shah with Mr.P.S.Sahadeven for appellant.

Ms.Aasifa Khan for the respondent.

Coram : F.I.Rebello &
R.S.Mohite,JJ

Date : 5.12.2007.

PC

1. There is a delay of 1313 days in filing this appeal. Shri R.B.Mehta has filed an affidavit in support. The last date of preferring an appeal was 21.2.2003. The papers were forwarded to the law ministry on 18.2.2003. According to the affidavit a new panel was constituted on 1.12.2005. The appeal as per record is filed on 13.10.2006. There is no explanation whatsoever for the delay between 21.2.2003 and 1.12.2005 and thereafter from 1.12.2005 till the filing of the appeal on 13.10.2006. Considering these aspects, cause shown

is not sufficient cause. Notice of Motion dismissed.

2. As Motion is dismissed, Wealth Tax Appeal (L) No.1963 of 2006 is also dismissed. Refund of court fees as per rules. Certified copy expedited.

(R.S.Mohite,J) **(F.I.Rebello,J)**